

**ORIGINAL
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MICHELINE N. FAIRBANK
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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14 Attorneys for Plaintiff and Plaintiff Class

15 UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

17 BRET ROBERT OSBORN, MICHAEL
18 PFAFF, KATHLEEN ANN PFAFF AND
19 MARTY GAYLE OSBORN, on behalf of
20 themselves, the general public, and all
21 others similarly situated,

22 Plaintiffs,

23 vs.

24 EMC CORPORATION, and Does 1
25 through 50,

Defendants.

) Case No. C 04-00336 JSW

) CLASS AND REPRESENTATIVE ACTION

) **DECLARATION OF MICHELINE N.
) FAIRBANK IN SUPPORT OF
) PLAINTIFFS' MOTION TO FILE
) FIRST AMENDED COMPLAINT**

) Hearing Date: July 30, 2004

) Hearing Time: 9:00 a.m.

) Courtroom: 2 17th Floor

BY FAX

26 I, Micheline N. Fairbank, hereby declare and state:

27 I am an attorney at law admitted to the bar of this court. During the months of March
28 and April, 2004, I had several conversations and left messages with my opposing counsel

29 DECLARATION OF MICHELINE N. FAIRBANK I/S/O MOTION TO FILE FIRST AMENDED
30 COMPLAINT

**Filed By
One Legal**

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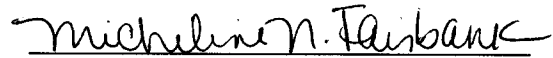
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I am an attorney at law admitted to the bar of this court. During the months of March and April, 2004, I had several conversations and left messages with my opposing counsel

1 trying to arrange for a stipulation with opposing counsel to allow the filing of the second
2 amended complaint. I most recently spoke to Mr. Howard Hay, who stated that his client would
3 not stipulate to the filing of the [Proposed] First Amended Complaint.

4 I declare under penalty of perjury of the laws of the United State of America that the
5 above is true and correct.

6 Executed this 27th day of April, 2004 at Reno, Nevada.

7
8 

9 Micheline N. Fairbank, CSB # 226038

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